

*ft 24
mp
9/3/93***PATENT**

Docket: 40736

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: D. Panicali, et al.

Serial No.: 07/579,269 Group No.: 1813

Filed: September 5, 1990 Examiner: D. Barnd

For: Recombinant Pox Virus For Immunization Against Tumor-
Associated AntigensCommissioner of Patents and Trademarks
Washington, D.C. 20231**TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION—37
CFR 192)**

1. Transmitted herewith in triplicate is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on February 26, 1993.

NOTE: "The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate." 37 CFR 1.192(a) (emphasis added).

2. STATUS OF APPLICANT

This application is on behalf of

- other than a small entity
 small entity

verified statement:

- attached
 already filed

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

- | | |
|--|----------|
| <input checked="" type="checkbox"/> small entity | \$135.00 |
| <input type="checkbox"/> other than a small entity | \$270.00 |

Appeal Brief fee due \$ 135.00**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Date: 8/18/93

Melissa A. Topp
(Type or print name of person mailing paper)
Melissa A. Topp
(Signature of person mailing paper)

(Transmittal of Appeal Brief [9-6.1]—page 1 of 3)

4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

- (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$360.00	\$180.00
<input type="checkbox"/> three months	\$840.00	\$420.00
<input checked="" type="checkbox"/> four months	\$1,320.00	\$660.00
		<u>Fee \$ 660.00</u>

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

660.00

Extension fee due with this request \$_____

or

- (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 135.00

Extension fee (if any) \$ 660.00

TOTAL FEE DUE \$ 795.00

6. FEE PAYMENT

- Attached is a check in the sum of \$ 795.00

- Charge Account No. _____ the sum of \$_____

A duplicate of this transmittal is attached.

(Transmittal of Appeal Brief |9-6.1|—page 2 of 3)

7. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to change the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

- If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105

AND/OR

- If any additional fee for claims is required, charge Account No. 04-1105

Reg. No.: 34235

Tel. No.: (617) 523-3400



SIGNATURE OF ATTORNEY
David S. Resnick

Type or print name of attorney
130 Water Street

P.O. Address
Boston, MA 02109